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**LU 6084 (US)** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)
Shahram Mihan et al.	)
Serial No. 10/538,540	)
Filed June 10, 2005	)
For COPOLYMERS OF ETHYLENE WITH ALPHA-OLEFINS	)

Mail Stop Petition Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

#### PETITION TO CORRECT FILING DATE UNDER 37 CFR 1.10(d)

Applicants respectfully request the Office to change the filing date of this application from June 11, 2005 to June 10, 2005. The facts pertaining to this Petition are as follows:

- 4. On Friday, June 10, 2005, Applicants deposited with the USPS the present application papers in a package, under US Express Mail certificate ER 935731504US. A copy of this certificate of mailing is enclosed as Attachment A.
- 5. This application package was not processed by the USPS until Saturday, June 11, 2005. This is evidenced by the tracking sheet enclosed as Attachment B, and a USPS letter dated July 15, 2005, stating that the delay in processing was due to the USPS, not Applicants' office. The USPS letter is enclosed as Attachment C.
- Applicants became aware of the USPS error on June 27, 2005, upon receipt of the 6. acknowledgment card duly stamped by the USPTO (copy attached as Attachment D); and initiated an inquiry as to the cause.

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In view of these facts, Applicants earnestly request that the Director enter the above change in filing date.

No fee is believed due with this Petition. However, if a fee is due, the Office is authorized to charge any such fee to Deposit Account No. 08-2336.

Respectfully submitted,

SHAHRAM MIHAN ET AL.

By william R. Reid

Reg. No. 47,894

Attorney for Applicants

Basell USA Inc. 912 Appleton Road Elkton, Maryland 21921

July 20, 2005

Attachments

Attorney's Telephone No.: 410-996-1783 Attorney's Facsimile No.: 410-996-1560 Attorney's E-mail: william.reid@basell.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on July 20, 2005.

Signature

Date

Menalegal State 2005





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# **EXPRESS MAILING CERTIFICATE**

This certifies that the attached PTO Form 1390 (in duplicate), Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 USC 371, and Preliminary Amendment, Application Data Sheet, Declaration for Patent, Assignment Cover Sheet, and Copy of Assignment for the patent application of Shahram Mihan et al. for COPOLYMERS OF ETHYLENE WITH ALPHA-OLEFINS (our ref: LU 6084 (US)) is being mailed by "Express Mail Post Office to Addressee" service in an envelope addressed:

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and deposited on June 10, 2005 as "Express Mail" in the United States Postal Service, the number of the "Express Mail" mailing label being ER935731504US.

MARJORIE GRAY

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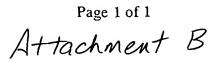
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UNITED STATES
POSTAL SERVICE

July 15, 2005

There was a failure on the part of the Postal Service to expedite the express ER 935731504US, the delay was not the failure of Pitney Bowes. Any concerns please feel Free to call me.

allen & Contlin

Allen E. Conklin Supervisor, Customer Service Elkton Post Office

ELKTON POST OFFICE 137 W. MAIN STREET ELKTON, MARYLAND 21921-9998 PHONE: 410-398-4040 FAX: 410-620-9258

Attachment D

The PTO date stamp hereon is in acknowledgment that on this date PTC received:

FORM PTO-1390 (in duplicate) RECEIVED BASE APPLICATION DATA SHEET

PRELIMINARY AMENDMENT

DECLARATION FOR PATENT

COPY OF ASSIGNMENT

in reference to U.S. Patent Application of Shahram Mihan et al. filed this 10th day of June 2005, entitled COPOLYMERS OF ETHYLENE WITH ALPHA-OLEFINS.

Atty Dkt No: LU 6084 (US)

10/538540

EARLY NOTIFICATION OF SERIAL NUMBER REQUESTED

JCD2 Rec'd PCT/PTO 11 JUN 2005